UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via Electronic Mail

August 14, 2014

Lessly McCarley
Beckman Coulter Inc.
250 S. Kramer Blvd
Brea, CA 92821

Re: Polychlorinated Biphenyls Cleanup under Toxic Substance Control Act *PCB Interim Remedial Measure Work Plan Addendum*, Former Beckman Coulter Inc. Facility, 4300 North Harbor Boulevard, Fullerton, California.

Dear Ms. McCarley

Thank you for working with the U.S. Environmental Protection Agency Region 9 (USEPA) to address the cleanup of polychlorinated biphenyls (PCB) found at the Former Beckman Coulter Inc. facility located at 4300 North Harbor Boulevard Fullerton, California (site). USEPA has received and reviewed Beckman Coulter Inc. (BCI) June 18, 2014 *PCB Interim Remedial Measure Work Plan Addendum* (PIRMWPA) prepared by Hargis + Associates Inc. (HAI) which outlines BCI's PCB remediation plan.

BCI submitted the PIRMWPA under 40 CFR 761.61(a). However, based on discussion with BCI regarding the size of the PCB impacted area, current remediation activities in progress with the Department of Toxic Substances Control (DTSC), and prior characterization data, USEPA believes that a risk-based disposal approval is more applicable to the site. USEPA is approving BCI's PIRMWPA with conditions under 40 CFR 761.61(c) (risk-based disposal approval). Enclosure 1 contains USEPAs conditional approval. BCI must implement the PIRMWPA as modified by those conditions.

BCI's PIRMWPA is modified by the USEPA conditions of approval and some of those conditions include:

- BCI is cleaning the site to a meet the Residential Risk Screening Levels (RSL) of ≤ .24mg/kg (ppm) total PCBs.

- BCI must investigate a Storm Water Drainage ditch due to several PCB detections above the residential RSL located near the drainage ditch.

- BCI will be treating non-PCB soils impacted with volatile organic compounds on-site using Evaporative Desorption Treatment (EDT). Prior to re-use of the soil BCI intends to test for VOCs, PCBs and metals. BCI will be submitting a contingency plan to address what measures will be taken if testing does not allow for re-use of the soil on site.

This Approval does not relieve the owner, Beckman Coulter Inc. from complying with all other applicable federal, state, and local regulations and permits. Departure from the conditions of the Approval without prior written permission from USEPA may result in the commencement of proceedings to revoke this Approval, and/or an enforcement action. Nothing in this Approval bars USEPA from imposing penalties for violations of this approval or for violations of other applicable TSCA PCB requirements or for activities not covered under this Approval.

This approval only applies to the Former Beckman Coulter Inc. Facility located at 4300 North Harbor Boulevard Fullerton, California. USEPA reserves the right to require additional characterization and/or cleanup of PCBs at the site if new information during additional site characterization, cleanup verification, and/or during future post-cleanup activities (e.g., redevelopment and post redevelopment) at the property shows that PCBs remain at the site above the approved PCB cleanup level. In addition, USEPA may require cleanup in areas immediately adjacent to the site if those areas are found to be impacted by PCBs from the site.

USEPA appreciates the opportunity to assist Beckman Coulter Inc. on the PCB cleanup to be conducted at their facility in Fullerton California. If you have any questions regarding this Approval please contact George Randell at 415.972.3439. Thank you for your cooperation.

Sincerely,

for Jeff Scott, Director
Waste Management Division

Enclosure 1

Cc Via Electronic Mail Only

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USEPA Conditional Approval for Risk-Based PCB Cleanup under the Toxic Substances Control Act, 40 C.F.R. §§ 761.61(c) at the Former Beckman Coulter Inc. Fullerton, California

August 14, 2014

A. Introduction

The U.S. Environmental Protection Agency Region 9 (USEPA) received the "PCB Interim Remedial Measure Work Plan Addendum" dated June 18, 2014 (PIRMWPA). The PIRMWPA was prepared by Hargis + Associates Inc. (HAI) for Beckman Coulter Inc. (BCI). The PIRMWPA provides information regarding existing PCB investigation and site characterization data, past site usage, proposed remedial actions, and proposed confirmation sampling and reporting for the former Beckman Coulter Inc. facility located at 4300 North Harbor Boulevard, Fullerton, California 92831 (Site).

USEPA recognizes that BCIs PIRMWPA is a *self-implementing on-site cleanup and disposal of PCB remediation waste* notification in accordance with 40 CFR 761.61(a). However, the size of the PCB clean up area is larger than 1 acre, and extensive characterization has been conducted on site. USEPA is approving with conditions BCIs *PCB Interim Remedial Measure Work Plan Addendum* under the provisions provided in the Toxic Substance Control Act (TSCA) PCB regulation 40 CFR 761.61(c) *risk-based disposal approval*. USEPA is approving with conditions the cleanup actions described in Section 3.0 *IRM Corrective Action Plan* of BCIs *PCB Interim Remedial Measure Work Plan Addendum* dated June 18 2014, effective on the date of this enclosure. Section **C** of this document contains the conditions of approval.

B. Site Background

1. Former Land Use and Possible Sources of PCB Contamination

Former Land Use

The former BCI Fullerton facility inhabits approximately 45.4 acres in a mixed industrial and commercial area. BCIs facility once contained 11 buildings, internal roadways, sheds, parking lots, carport, and landscaping. The facility was involved in many types of operations, including but not limited to offices, research and development, and manufacturing. Manufacturing activities at the Site included medical instrument assembly, printing and reagent production, and component and hardware manufacturing. The research and development operations included new product development and improvement to the then existing product line.

Possible PCB Sources

The BCI facility contained approximately 12 transformers on site with a combined capacity of 3755 gallons of PCB dielectric fluid of unknown concentrations, and several fluorescent light ballast. Based on a consent order with the USEPA all transformers were drained and removed by July 1, 1989. The light ballast were all removed for disposal in December 2006. BCI is currently working with DTSC on remediation activities at the facility under DTSCs Corrective

Action process.[1] Subsequently, the results of the verification samples for various chemicals of concern (COC) including but not limited to PCBs, VOCs, and metals, indicated a much greater impact of PCBs on the Site than initially thought based on the previous characterization activities. BCI stopped work and began re-characterizing the Site for PCBs based on the previous verification/confirmation samples. BCI recognized that the soil impacted with PCBs has different physical characteristics than the rest of the soil at the Site. The majority of the PCBs are located in soil that is described as a moist silt like clay, with a very dark grey-green-brown color and a sweet chemical odor. The impacted soil also was observed to contain pieces of wood and plastic material. BCI has concluded the PCB impacted soil is non-native fill soil used for the construction of former Building 6 during the expansion of the BCI facility in the past.

2. Future Land Use

The City of Fullerton is currently reviewing plans for redevelopment of the Site that will include both residential and commercial uses. The redevelopment plan is referred to as the *North Fullerton Mixed-Use Village Specific Plan* (FMUVSP). The proposed FMUVSP would allow for the development of residential units, live/work units, business park/industrial units, office units, commercial units, and the reuse of the existing 42000-ft^2 BCI administration building which is eligible for listing as a Fullerton Historical Landmark.

The proposed Major Site Plan includes 825 residential units (300 apartments and 525 townhomes, apartments, shopkeeper and live/work units) and 11.2 acres of Business Park uses. The apartment units would be located in the northwest portion of the project and would consist of flats in a wrap or podium building surrounding an above ground parking garage. Recreational uses would be provided for the project residents in three plazas and a common open space area at the apartment buildings. A future transit plaza is proposed that will be designed as a recreational area developed with shade structures, landscaped areas, a dog park, and site furniture that may be repurposed to accommodate a future transit stop.

It is anticipated that construction of the proposed project would be initiated in the spring or summer of 2015 and would be phased based on market demand and the completion of soil remediation activities currently ongoing at the project site. Residential uses in the project site are planned for development during the first phase, along with rough grading and infrastructure systems (storm drain, water, sewer, dry utilities, and street improvements) for the entire site. Business Park uses, including reuse of the BCI Administration Building, is expected to occur generally at the same time as the first phase of residential development. It is expected that construction would occur over an approximate 5- to 7-year time frame.

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[1] Appendix B "Polychlorinated Biphenyl Interim Measure Findings" of the June 18, *2014 Interim Work Plan Addendum* Beckman Coulter Inc. 4300 North Harbor Boulevard Fullerton, California June 18, 2014

C. USEPA Conditions of Approval and Additional Comments

1. **Cleanup levels.** Due to redevelopment of the Site and surrounding areas to accommodate residential and commercial uses, BCI has proposed a cleanup level of ≤ .24 ppm total PCB based on the USEPA residential Regional Screening Level (RSL).

    a. The USEPA accepts BCIs proposed cleanup level of ≤ .24 ppm total PCB. Each cleanup verification sample must meet the cleanup level.

2. **Disposal of PCB Remediation Waste**. All bulk PCB remediation waste including but not limited to soil, sediment, and debris must be disposed of in accordance with the requirements in 40 CFR 761.61(a)(5).

    a. Section 3.2 in BCIs PIRMWPA indicates their intention to resample stockpiled PCB impacted soil prior to disposal. However, BCI shall select the appropriate disposal facilities based on the **in-situ** PCB concentrations and ***not*** the PCB impacted stockpiled soil sample results.

    Comment: BCI must comply with TSCA's anti-dilution requirements in 40 CFR 761.1(b). Soil, debris and/or sediment contaminated with PCBs below 50 ppm and containing other contaminates (e.g. metals) must be disposed of based on the most stringent disposal requirements for the waste. BCI shall also comply with all federal, state, and local disposal regulations.

3. **PCB Cleanup Waste Disposal.** Cleanup waste (e.g. personal protective equipment, rags, gloves booties) shall be disposed of in accordance with 40 CFR 761.61(a)(5)(v). The disposal of all waste shall be in accordance with all federal, state, and local regulations.

4. **Equipment Decontamination.** BCI must decontaminate non-disposable sampling tools and equipment, as well as movable equipment used during cleanup and/or additional sampling in accordance with 40 CFR 761.79(c)(2). Decontamination of sample equipment and tools must be conducted each time samples are collected to prevent cross-contamination. Decontamination residues must be disposed of at their original concentration in accordance with the requirements in 40 CFR 761.79(g). Recordkeeping of the decontamination events must be maintained in accordance with the requirements in 40 CFR 761.79(f)(2). These procedures must be implemented in a manner that is protective of human health and the environment consistent with the requirements in 40 CFR 761.79(e).

5. **Contingency Plan.** The contingency plan in section 3.5 of the PIRMWPA is incomplete. BCI intends to sample "Non-PCB impacted overburden soil" (overburden soil) for PCBs prior to re-use and/or Evaporative Desorption Treatment (EDT) of VOCs. BCI shall include a contingency plan if PCBs in the stockpiled overburden soil are higher than the cleanup level of .24 ppm total PCBs. BCI shall provide USEPA with a contingency plan within 45 days of the date of this approval.

6. **Investigation of Storm Water Drainage Ditch.** PCB's were detected above the screening level of .24 mg/kg (ppm) total PCBs near the storm water drainage ditch located on the site. BCI shall provide USEPA with a Sampling an Analysis Plan (SAP) that addresses additional characterization of the Storm Water Drainage Ditch and any measures to be taken based on the laboratory results. If PCBs are found to be greater than the approved cleanup level in Section C.2 of this approval (.24 mg/kg total PCBs), BCI shall submit a plan to remediate the site and dispose of all PCB waste upon written approval from the USEPA. BCI shall provide the USEPA with a SAP within 60 days of the date of this approval.

7. **Cleanup Verification Sampling and Analysis Plan (Verification SAP).** BCIs PIRMWPA Section 3.4 *Verification/Confirmation sampling* plan is incomplete. BCI shall submit to the USEPA a Verification sampling and analysis plan (SAP). The Verification SAP shall include, but is not limited to (1) methods used for sample extraction and analysis; (2) USEPA approved cleanup levels; (3) figures depicting the grid being used and locations of cleanup verification samples, and; (4) the level of quality assurance reporting guidelines that will be used by BCIs contracted laboratory. BCI must submit the Verification SAP for USEPA approval; however, the preparation and submittal of the Verification SAP should not prevent BCI from beginning to implement the PIRMWPA.

    a. The laboratory analytical results shall include, but not be limited to (1) all analytical results for field and laboratory quality assurance samples, (2) a narrative explaining issues encountered during extraction and/or analysis of field and laboratory quality assurance samples and corrective actions taken, (3) acceptance limits for all quality assurance samples with surrogate sample analysis following a minimum acceptance criteria of 60 to 65%, (4) data quality flags are accurately shown in the report for qualified data, (5) tentatively identified compounds (TICs), (6) extraction and analytical methods used, (7) extract procedures used, and (8) the surrogates used. All laboratory analytical results shall be included in the final cleanup completion report. Reports shall be made available to USEPA within **3 days** after receipt of such reports by Beckman Coulter Inc.

8. **PCB Cleanup Completion Report.** Within 60 days after Beckman Coulter Inc. completes cleanup verification sampling at the Site, Beckman Coulter Inc. must submit a PCB cleanup report for USEPA approval under 40 CFR 761.61(c) that includes all relevant data and justifications demonstrating that BCI achieved the USEPA approved cleanup levels at the Site. BCI must provide at a minimum all reporting requirements in 40 CFR 761.61 (a)(9) and 40 CFR 761.125(c)(5).

9. **Sampling data presentation.** In the final cleanup completion report, BCI must include figures depicting the location and results for all Site characterization and cleanup verification. In addition, survey or GPS coordinates for cleanup verification samples must be recorded and presented in the data summaries to be included in the report.